

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,)	Civil Action No. 4:10-cv-2175-TLW-TER
)	
Plaintiff,)	
)	ORDER
-vs-)	
)	
\$ 11,268.00 in United States Currency,)	
)	
Defendant.)	
)	

The United States brings this in rem civil forfeiture action pursuant to 21 U.S.C. § 881(a)(6) and Supplemental Rule G(2), Fed.R.Civ.P. This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that, in light of the facts deemed admitted as a result of Claimant Michael Alan Tucker’s failure to respond to the Requests for Admission, Plaintiff’s Motion for Summary Judgment (Document # 17) be granted and that judgment be entered in favor of Plaintiff. The Report was filed on October 17, 2011. Claimant, himself, has filed no objections to the Report. However, on October 27, 2011, a letter was received addressed to the Clerk of Court, from Claimant’s mother. (Doc. # 35).¹

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual

¹Out of an abundance of caution, the Court will consider this correspondence as objections, and apply a de novo standard of review.

or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 33), Claimant's objections are **OVERRULED** (Doc. # 35); and Plaintiff's motion for summary judgment (Document # 17) is **GRANTED** and judgment is entered in favor of Plaintiff.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

January 30, 2012
Florence, South Carolina